OR, AN

ABSTRACT

Of All the

PENAL-LAWS

TOUCHING

Matters of Religion;

And the Several

Oaths and Tests thereby Enjoyned,

Now so much Controverted.

WITH BRIEF

OBSERVATIONS

Thereupon.

Published for more General *Information* and *Satisfaction*,

By *H. C.* Henry Care

John 19.17.——*We have a* LAW, *and by* OUR LAW *He ought to Dye.*

Rom. 14. 12, 13.——*Every one of us shall give an Account of himself to GOD. Let us not therefore* judge one another *any more; but judge this rather, That no man put a* Stumbling-Block, *or an occasion to fall, in his Brothers way.*

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The Introduction.

SInce *the* Penal Laws *touching Matters of Meer Religion, that so long have been the* Efficient Cauſe, *are now become the* Subject Matter *of* Debate *throughout the Nation; Whilſt perhaps, ſcarce one in Ten of the Eager Contenders truly knows* what *theſe* Penal Laws *and* Teſts *are; Or at leaſt has not any perfect Idea of their full Extent and Nature, their grievous Unequal* Penalties, *and Deſtructive* Effects; *I thought it might at this Juncture be a Service not altogether Unacceptable, to draw up a fair* Abſtract *or* Compendium *of all* Thoſe Laws; *That ſo being* Beheld *at one* Intire View, *Judgment may be the better made of their* Benefit *or* Inexpediency: *To which end, I have added a few brief* Obſervations *very naturally (as I conceive) Reſulting from the Premiſſes; And ſo ſubmit the whole to the Chriſtian Conſideration of all Honeſt Unbiaſs'd Engliſhmen.*

An

An Abstract
OF
The Penal Laws,

NONE shall Enjoy any *Dignity* or *Office* Spiritual or Civil, nor take *Orders*, nor any *Degree* of *Learning*, but he must take the following *Oath*; And on Refusal forfeits such *Dignities* or *Offices*. — **Stat. 1. Eliz. Cap. 1.**

I. A. B. *Do utterly Testify and Declare in my Conscience, That the* [*King's*] *Highness is the only Supream Governour of this Realm, and of all other* [*His*] *Highnesses Dominions and Countries, as well in* all Spiritual or Ecclesiastical Things or Causes, *as Temporal. And that no Forreign Prince, Prelate, State, or Potentate hath, or ought to have any Jurisdiction, Power, Superiority, Preeminence, or Authority* Ecclesiastical *or* Spiritual *within this Realm; And therefore I do utterly Renounce and forsake all Forreign Jurisdictions, Powers, Superiorities and Authorities, and do promise, That from henceforth I shall bear Faith and true Allegiance to the* [*King's*] *Highness* [*His*] *Heirs and Lawful Successors; and to my Power shall Assist and Defend all Jurisdictions, Priviledges, Pre-eminences, and Authorities granted or belonging to the* [*King's*] *Highness, His Heirs and Successors, or United and Annexed to the Imperial Crown of this Realm. So help me GOD, and by the Contents of this Book.* — *The Form of the Oath of* Supremacy.

By Speech or Writing to Affirm, Maintain, Promote, or Defend any Forreign Jurisdiction, Spiritual or Ecclesiastical, Forfeits for the *First* Offence, all Goods and Chattels Real and Personal. For the *Second*, incurrs *A PREMUNIRE* [which by the *Stat.* 16. *Rich.* 2. *Cap.* 5. Imports Forfeiture of *Lands* as well as *Goods*, To be out of the *Kings Protection*, and *Imprisonment.*] And the *Third* Offence, is *HIGH TREASON.* — *Ibidem Sect.* 27.

A Minister refusing to Use the Common Prayer-Book, or Using *any other* (*) *Rite, Ceremony, or Order* in open Prayers or Administration of the Sacraments, than what is prescribed by the *Common Prayer-Book*, Forfeits *one Years profit* of his Living, and must be *Imprisoned for six Months.* For the *Second* Offence, utterly *Forfeits his Living.* And for the *Third*, is to be *Imprisoned during Life.* — 1 Eliz. Cap. 2. (*) *Are not many Church-men guilty herein by Practising more than is injoin'd?*

To declare or speak any thing in the *Derogation, Depraving, or Despising of the Book of Common Prayer*, or *ANY THING* therein contained, or any part thereof, Forfeits 100 Marks, or six Months Imprisonment. For the *Second* Offence, 400 Marks, or 12 Months Imprisonment. And for the *Third*, all his Goods and Chattels, and to be Imprisoned during Life. — *Ibidem Sect.* 9. 10. *and* 11.

Not hearing *Common Prayer* every Sunday Forfeits Twelve-Pence, besides Censures of the Church. — *Ibid. Sect.* 14.

To Maintain or Defend the Authority of the Bishop or *See* of *Rome*, incurrs a *Premunire*. — **Stat. 5. Eliz. Cap. 1.**

So to Refuse the *Oath of Supremacy* (which every Member of the Commons House is Expresly required to take before he enter the House) is also a *Premunire*; And being once Convict in either of those Cases, the *Second* Offence or Refusal is made *HIGH TREASON.*

If a Person Prosecuted in any Ecclesiastical Court, for any matters of Heresy, or refusing to have his Child Baptized, or not coming to Church, or for any Errors in matters of Religion, be *Excommunicated*, if taken he must lye in Prison; if he cannot be taken on the Writ *De Excommunicato Capiendo*, a *Capias* and *Proclamation* shall issue; and if the Party do not render himself within six days, he Forfeits 10 *l.* And then another *Capias* and *Proclamation*, — **Stat. 5 Eliz. Cap. 23.**

on which he forfeits 20*l.* And ſo *Copies* after *Copies* infinitely, and on every one a forfeiture of 20*l.*

Stat. 13. Eliz. Cap. 2.

To Reconcile, or be Reconciled to the Church of *Rome*, or to obtain or put in uſe any Bull from thence is *HIGH TREASON.*

To bring into *England* or receive any *Agnus Dei's*, *Croſſes*, Pi ctures &c. from the Biſhop of *Rome*, incurrs a Præmunire.

Cap. 12.

Every Prieſt or Miniſter that ſhall not openly read and declare his unfeigned Aſſent to, and Subſcribe the 39 Articles; or that ſhall maintain any Doctrine contrary to the ſaid Articles, ſhall loſe his Living.

Stat. 23. Eliz. Cap. 1.

To withdraw any Subjects from the Eſtabliſht Religion, to the Romiſh Religion, or to be withdrawn or Reconciled is made *HIGH TREASON*, and Miſpriſion of Treaſon in the Aider or Concealer thereof.

Saying Maſs forfeits 200. Marks and Impriſonment for one year, and thence forwards till the 200. Marks be paid, and to hear Maſs 100 Marks, and a years Impriſonment.

Every Perſon above 16 years old, that forbears coming to Church one Month forfeits 20 l. and beſides ſhall be bound with Sufficient Sureties in 200 l. to be of the Good Behaivour.

Keeping a School-Maſter that does not go to Church, forfeits 10 l. *per* Month, and the School-Maſter to be Impriſoned a year, and diſabled to Teach.

And notwithſtanding the Penalties of this Act, the Spiritual Courts may proceed againſt ſuch Offenders.

Stat. 27. Eliz. Cap. 2. §§. 3. and 4.

Every Jeſuite, Seminary or other Prieſt, Religious or Eccleſiaſtical Perſon, born within the Kings Dominions, and Ordain'd or Profeſſed without the Realm, or within, by any Authority derived from the See of *Rome*, that ſhall come into or remain within this Realm or other his Majeſties Dominions, ſhall be adjudged and ſuffer as a *TRAITOR.*

And to Receive, Harbour or Relieve any ſuch Prieſt is *FELONY*, without Benefit of the Clergy.

To ſend Relief to any Jeſuit, Prieſt, Colledge, or Seminary beyond the Seas, Incurrs a Premunire.

Stat. 31. Eliz. Cap. 6.

Aſſurances made by Recuſants in Truſt ſhall be void, as to the forfeitures of 20*l.* a month for not coming to Church; and after a man is once Convicted of that Crime, If he do not without any other Conviction, thence forwards (till he Conforms) pay after the rate of 20 *l. per* Month into the Exchequer, all his Goods and two parts of his Lands ſhall be ſeized.

Stat. 35. Eliz. Cap. 1.

For preventing ſuch great Inconveniences and Perils as might happen and and grow by the wicked and dangerous Practices of Seditious Sectaries and Diſloyal Perſons, it is Enacted, That if any Perſons above Sixteen years of Age, that ſhall forbear coming to Chuch for one Month, ſhall either move or perſwade any other Perſon to abſtain from hearing Divine Service, or receiving the Communion according to Law. Or to come to any unlawful Aſſemblies, Conventicles or Meetings; every ſuch Perſon ſhall be Impriſoned without Bail until he Conform, and do in ſome Church make this open Submiſſion following, *viz.*

§. 5
The Form of Submiſſion.

I A. B. *Do humbly Confeſs and Acknowledge, that I have greviouſly offended GOD in contemning* [*His*] *Majeſties Godly and Lawful Government and Authority by abſenting my ſelf from Church, and from hearing Divine Service, contrary to the Godly Laws and Statutes of this Realm: And in uſing and frequenting diſordered and unlawful Conventicles and Aſſemblies under pretence and colour of Exerciſe of Religion. And I am heartily ſorry for the ſame, and do acknowledge and teſtifie in my Conſcience, That no other Perſon hath, or ought to have any Power or Authority over* [*His*] *Majeſty; And I do Promiſe and Proteſt without any Diſpenſation, or any colour or means of any Diſpenſation, That from henceforth I will from time to time Obey and Perform* [*His*] *Majeſties Laws and Statutes in repairing to the Church and Divine Service, and do my uttermoſt endeavour to maintain and defend the ſame.*

And if the party do not Conform and make this Submiſſion within Three Months after Conviction, then being required by any Juſtice of Peace, He or She ſhall in open Court (at the Aſſizes or Seſſions) Abjure the Realm of *England*, and all other the Kings Dominions; and ſo ſhall depart out of the Realm within ſuch time as the Court ſhall Aſſign: And by ſuch Abjuration ſhall loſe

and

and forfeit all Goods and Chattels for ever, and Lands and Tenements during Life.

But if such Party either Refuse to Forswear the Land, or do at any time after such Abjuration Return or come into *England*, or any of His Majesties Dominions, then he shall be Hang'd as a *Felon*, without Benefit of Clergy.

Only no married Woman, nor any Popish Recusant, is obliged to Abjure by this Act.

☞ Note, That this was the first Statute expresly made after the Reformation, against Dissenters; And being by many *Learned Gentlemen* of the *Long Robe*, thought to be Expired for want of a due Continuance; The Church of *England*, loth to lose such a pretious piece of its Artillery, took care to procure a Statute 16 *Car.* 2. *Cap.* 1. whereby the same is not only declared to be in full force; but pursuant to that Example, Transportation of Dissenters is *de Novo* ordained, as you will find in its proper place.

Every Recusant shall be confin'd within Five Miles of his own dwelling, and if he go further, forfeits all his Goods and Chattels; and likewise his Lands and Tenements, for his own Life. And those of small Abilities not repairing to such place as shall be appointed for them, or departing thence, shall *ABJURE* the Land. Which if they refuse to do, or come again, then to suffer *DEATH* as *FELONS*, without benefit of Clergy. **Stat. 35. Eliz. Cap. 2.**

For any to send their Child, or any other under their Tuition or Government, beyond the Seas to any Colledge to be instructed in the Popish Religion, forfeits 100*l.* and every Person so sent, is disabled to Inherit or Enjoy any Lands, Tenements, or Goods; or to Claim or Sue for any Debts, *&c.* unless he Conform to the Church of *England*. **Stat. 1. Jac. 1. Cap. 4.**

Keeping or being a School-Master in a Recusants House, or not being duely Licens'd, both forfeit 40*s.* a peice for every day.

A Recusant, tho coming to Church, yea if He or She do not once a year receive the Sacrament at Church, forfeits 20*l.* the first year, 40*l.* the second year, and 60*l.* for every year after. **Stat. 3. Jac. 1. Cap. 4.**

Every Person once Convicted of not repairing to Divine Service, forfeits thenceforwards 20*l.* every Month, untill He or She Conform. But the King may refuse the 20*l.* per Month, and instead thereof take Two Thirds of all the Parties Lands, Leases, *&c.*

Any Bishop in his Diocess, or Two Justices, may require any Persons, above Eighteen years old, (except Nobles) to take the Oath following. §. 13.

The Oath of Obedience, commonly called, The Oath of Allegiance.

I A.B Do truly and sincerely acknowledge, profess, testify and declare in my Conscience before God and the World; That our Soverain Lord King James *is lawful and rightful* King *of this Realm, & of all other His Majesties Dominions and Countries: And that the Pope neither of himself, nor by any Authority of the Church or See of* Rome, *or by any other means with any other, hath any Power or Authority to Depose the King, or to dispose any of His Majesties Kingdoms or Dominions, or to Authorise any forreign Prince to Invade or annoy Him, or His Countries; Or to discharge any of His Subjects of their Allegiance and Obedience to His Majesty; Or to give Licence or leave to any of them to bear Arms, raise Tumult, or to offer any violence or hurt to His Majesties Royal Person, State, or Government, or to any of His Majesties Subjects within His Majesties Dominions.*

Also I do swear from my heart, that notwithstanding any Declaration, or Sentence of Excommunication or Deprivation made or granted, or to be made or granted by the Pope or his Successors, or by any Authority derived, or pretended to be derived from him or his See, against the said King his Heirs or Successors, Or any Absolution of the said Subjects from their Obedience; I will bear Faith and True Allegiance to His Majesty His Heirs and Successors, and Him & Them will defend to the uttermost of my Power against all Conspiracies and Attempts whatsoever, which shall be made against His or Their Persons, their Crown and Dignity, by reason or colour of any such Sentence or Declaration or otherwise; and will do my best endeavour to disclose and make known unto His Majesty His Heirs and Successors, all Treasons and Traiterous Conspiracies which I shall know, or hear of to be against Him or any of Them.

And I do further Swear, that I do from my heart Abhor, Detest and Abjure as Impious and Heretical, this damnable Doctrine and Position, That Princes which be Excommunicated or Deprived by the Pope, may be Deposed or Murdered by their Subjects, or by any other whatsoever.

And I believe, and in my Conscience am resolved, That neither the Pope, nor any

any other Person whatsoever, hath Power to absolve me of this Oath, or any part thereof; which I acknowledge by good and lawful Authority to be lawfully ministred unto me; and do renounce all Pardons and Dispensations to the contrary.

And these things I do plainly and sincerely Acknowledge and Swear, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words; without any Equivocation, or mental Reservation whatsoever; And I do make this Recognition and Acknowledgement Heartily, Willingly, and Truely, upon the true Faith of a Christian; so help me God.

The Punishment for refusing this *Oath*, is first to be committed to Goal, till next Assises or Sessions; and then, being again tender'd in Court, he that denies to take it, incurs a *PREMUNIRE*.

§. 22. To Reconcile any Subject to the *Pope*, or *See of Rome*, or move any to promise obedience to any Authority of the Roman See; Or to be so Reconciled, or so Promise Obedience thereunto, is *HIGH TREASON* in both the parties, and their Aiders Maintainers, *&c.* knowing the same.

§. 27. Twelve Pence every Sunday for not coming to Church, shall be Levied by *distress* on the Parties Goods.

§. 33. Every Person that shall Relieve, Harbour, Keep, or suffer any Person in his or her House, that shall *not repair to Church* once a Month, forfeits 10*l.* *per* Month; and if such Person be kept as a *Servant*, then the Master to forfeit 20*l.* *per* Month.

And the power of Ecclesiastical Censures is still reserv'd over and above.

Stat. 3. Jacobi. 1. Cap. 5. No Popish Recusant Convict shall come into *the Court* or House where the King, or Heir apparent to the Crown, shall be (without special warrant) on pain of forfeiting 100*l.* for every Offence.

§. 8. No Recusant shall practice the *Law*, Common or Civil, in any Quality; nor *Physick*; Nor be an *Apothecary*, nor be *Judge*, *Clerk*, or *Steward* of any Court, nor bear Office or Charge *Military*, nor command in any Ship, Castle, or Fort; but be utterly disabled, and forfeits 100*l.* for every Offence.

§. 9. No Popish Recusant Convict, nor any having a *Wife* that is a Popish Recusant, shall at any time exercise any publick *Office* or *Charge* in the Common-Wealth, But shall be utterly disabled to exercise the same by himself, or his *Deputy*; except such Husband himself and his Children; which shall be above the Age of Nine Years abiding with him, and his Servants, once every Month at the least, repair to some Church, and there hear Divine Service; And the said Husband, and such his Children and Servants as are of meet Age, receive the *Sacrament* of the Lords Supper, at such times as are limited by the Laws of this Realm.

§. 10. Every *Married Woman* being a Popish Recusant Convict, that shall not Conform, and hear *Divine Service*, and take the Sacrament, within the space of one whole year next before the Death of her Husband, shall forfeit two parts of her *Joynture*, and two parts of her *Dower*; And also is disabled to be Executrix, or Administratrix to her said Husband, or to have or demand any part or portion of her said late Husbands *Goods* or *Chattels*, by any Law, Custome, or Usage whatsoever.

§. 11. Every Popish Recusant Convicted, shall stand and be reputed to all Intents and Purposes disabled, as a Person lawfully and duely *Excommunicated*; And whoever shall happen to be sued by any such Person, may plead such *Conviction*, in disablement of the Plaintiff.

§. 13. Persons *Married* otherwise then in some open Church or Chappel, and otherwise than according to the Orders of the Church of *England* by a Minister lawfully authorized, the *Man* shall be disabled to be Tenant by the *Courtesy* of *England*, and the *Woman* utterly Excluded not only to claim any *Dower*, or *Joynture*, but also of her *Widdows Estate* and *Free Bank*, in any Customary Lands, or to have *any part* of her Husbands *Estate* whatsoever; And for those that have no Lands, Every Man Married otherwise than by the Church of *England*, forfeits 100*l.*

Widows must starve rather than the Parson lose his Fees.

§. 14. A Recusant not having his or her *Child Baptized* by a lawful Minister, and accor-

according to the *Church of England*, within One Month after he is Born, forfeits 100 *l.*

A Recusant (not Excommunicated) *Buried* elsewhere than in a Church, or Church-Yard, or not according to the Ecclesiastical Laws of this Realm, his or her Executors or Administrators, or the party that causes him or her to be so Buried, shall forfeit 20 *l.* §. 15.

Children of any Subject sent to be *Educated* beyond Seas, (without special Licence) shall have no Benefit of any *Gift*, *Conveyance*, *Descent* or *Devise*, of any Lands or Goods, till being of 18. years old they take the Oath of *Allegiance*, and Receive the Sacrament, according to the Church of *England*, And Persons that so send their Children, forfeit for every Child 100 *l.* §. 16.

Every Recusant is disabled to Present to any *Benefice*, with or without *Cure*, *Prebend*, or any other Ecclesiastical Living, or to Collate, or Nominate to any *Free-School*, Hospital, or Donative; Or to grant any *Avoidance* to any Benefice, Prebend or other Ecclesiastical Living. §. 18.

Recusants Convicted are disabled to be *Executors* or *Administrators* to any Persons, Or to be Guardians to any Child. §. 22.

To bring from beyond the Seas, or Print, Sell or buy any Popish *Primmers*, *Ladies Psalters*, *Manuals*, *Rosaries*, Popish *Catechisms*, *Missals*, *Breviaries*, *Portals*, *Legends*, and *Lives of Saints*, containing Superstitious matter, Printed or written in any Language whatsoever, or any other Superstitious Books Printed or Written in the *English* Tongue, forfeits 40 *s.* for every such Book. §. 25.

All Persons above Eighteen years old, *Women* as well as men, shall take the *Oath of Allegiance* [before at large recited] on pain of Imprisonment for the first, and incurring a *Premunire* for the second Refusal, except *Married Women*, who shall be committed only to Prison, there to remain without Bail, or Main-prise, till they will take the said Oath Stat. 7 Jac. 1. C. 6.

Every Person Refusing to take the said Oath, shall be disabled to all Intents and Purposes, to execute any publick place of Judicature, or bear any other Office, or to practice the Common *Law*, *Physick*, *Surgery*, the Art of an *Apothecary*, or any Liberal Science. §. 27.

If any *Married Woman*, Convicted for not coming to Church, shall not within Three Months after such Conviction, Conform, come to Church, and Receive the Sacrament, She shall be Committed to *Prison*, there to remain without Bail or Main-prise, untill she do it, unless her Husband shall pay 10 *l. per* Month, or the third part of all his Lands and Tenements to the King, and so long, and *no longer* than he so pays it, may she be at Liberty. §. 28.

Any Person that has been bred, or sends any Child or other Person to be bred beyond the Seas in any Popish University, School, Seminary, or Family; Or that shall Send or Convey, by any means whatsoever, any *Money* or other thing towards the maintainance of any Child, or other Person there; or under the name or colour of any *Charity*, Benevolence, or Alms, towards the Relief of any Abby, Nunnery, Colledge, School, or Religious House whatsoever, shall for the same be disabled to bring or maintain *any Suit* at Law, or in Equity; or to be capable of any *Legacy* or *Deed of Gift*, or to bear any Office; And besides shall absolutely lose and forfeit all his *Goods and Chattels*, and all his *Lands* too, during his own Life. Stat. 3 Car. 1. C. 2.

Only a person so sent, if within six Months after his return into *England*, he Conform and Receive the Sacrament, may avoid these *Penalties* for so long as he continues in such Conformity.

No persons shall for ever hereafter be chosen into any Magistracy or Office in any *Corporation*, that shall not within one year next before such Election have received the *Sacrament*, according to the Rites of the Church of *England*, and shall likewise take the Oaths of *Supremacy*, *Allegiance*, &c. Stat. 13 Car. 2. Cap. 1. §. 12.

If any Person or Persons who maintain that the taking of *an Oath* is altogether unlawful, and contrary to the Word of God, shall wilfully refuse to take an Oath, where, by the Laws of the Realm *he* or *she* is bound to take the same, Stat. 13 and 14 Car. 2. Cap. 1.

same, being duely tendred; or shall endeavour to perswade any other Person, to whom any Oath shall be lawfully tendred, to refuse and forbear taking the same; or shall by Printing, Writing or otherwise, go about to maintain and defend, that the taking of an Oath in any case whatsoever is altogether unlawful; Or if Five or more of the People called *Quakers*, shall at any time meet for *Religious Worship*; for every or any of these Crimes, *They* shall forfeit for the first Offence, what shall be *Imposed*, not exceeding 5*l.* for the second not exceeding 10*l.* to be leavied by Distress and Sale; and for want of such Distress, or Non-payment of the fine within one Week, the party to be sent to common Goal or *House of Correction*; for the first Offence, Three Months; and for the second, Six Months, there to be kept at hard Labour; and for the third Offence, must *ABJURE* the Realm, or be *TRANSPORTED*.

Stat. 13 and 14 **Car.** 2. C. 3. §. 18. No *Peer*, or other Person, shall be capable of acting as Lord Lieutenant of any County, Deputy Lieutenant, Officer, or Soldier, unless he first take the Oaths of *Allegiance* and *Supremacy*, &c.

Stat. 13 and 14 **Car.** 2. Cap. 4. Every Person that shall be Presented or put into any Ecclesiastical Benefice or Promotion, shall in the Church or Chappel thereto belonging, within Two Months after he is in actual Possession thereof, upon some Lords Day, openly, publickly and Solemnly *Read the Morning and Evening Prayers* according to the Book of Common-Prayer; and then openly before the Congregation, testify his approbation thereof, in these words and no other:

The Clergy-Test. **I A. B. Do here declare my unfeigned Assent and Consent to *ALL* and *EVERY THING* contained and prescribed in and by the Book entituled,** The Book of Common-Prayer, and Administration of the Sacraments, and other Rites and Ceremonies of the Church, according to the use of the Church of England, Together with the Psalter or Psalms of *David*, pointed as they are to be said or Sung in Churches, and the form or manner of making, Ordaining, and Consecrating of Bishops, Priests and Deacons.

For want of making this Declaration, he shall be absolutely deprived *Ipso Facto* of all his Spiritual Promotions; And others may be put in, as if he were Dead.

§. 8. All Deans, Canons, Prebendaries, Masters, Heads, Professors, Readers, Fellows, Chaplains, and Tutors in any Colledge, House of Learning, or Hospital; And every Parson, Vicar, Curate, Lecturer, and every other Person in Holy Orders, and every Schoolmaster or Teacher of Youth in any private Family, must at his Admission subscribe this Declaration:

Another Test for all Clergy-men and Scholars. **I A. B. Do declare, That it is not lawful, upon any pretence whatsoever, to take Arms against the King; and that I do Abhor that Traiterous Position, of taking Arms by his Authority against his Person, or against those that are Commissionated by Him;** AND THAT I WILL CONFORM TO THE LITURGY OF THE CHURCH OF ENGLAND, AS IT IS NOW BY LAW ESTABLISHED.

Every one failing or refusing so to Subscribe, forfeits his *Living*, *Place or Office*; And a Schoolmaster acting without it, and a License, shall for the first Offence suffer Three Months Imprisonment, and for every subsequent Offence, the same; and also forfeit 5*l.* to the King

§. 14. None shall be capable of any Parsonage, Vicarage, Benefice, or other Ecclesiastical Promotion, nor presume to consecrate the Sacrament, that has not Episcopal Ordination according to the form prescribed in the Book for that purpose, unless he have formerly been made Priest by Episcopal Ordination, upon pain of forfeiting 100*l.* and not to be admitted into the Order of Priest for one whole year following.

Stat. 13 **Car.** 2. Cap. 5. Every Vestry-Man must make the like Declaration, not only **That it is not lawful on any pretence to take Arms against the**

the King, and that he abhors that Traiterous Position, of taking Arms by his Authority against his Person, or those Commissionated by him; but also, That he will Conform to the Liturgy of the Church of England, as it is now by Law establisht.

The Act of the 35 of Elizabeth before recited, is declared to be still *in force*, and that it ought to be put in due Execution. — Stat. 16. Car. 2. Cap. 4. ff. 1.

Any person above Sixteen years old, present at any Meeting under pretence of Exercise of Religion, in other manner then is allow'd by the Liturgy or practice of the Church of *England*, where there shall be present five Persons or more, above those of the Household, upon proof thereof made, either by Confession of the party, or Oath of witness, or notorious evidence of the Fact, the Offence shall be *Recorded* under the hands of two Justices, or the chief Magistrate of the place, which shall be a *perfect Conviction*; who thereupon may send such person to Jail, or the *House of Correction*, for any time not exceeding Three Months, unless *he* or *she* pay down so much money, not exceeding 5 *l.* as the said Justices or Chief Magistrate shall impose. — ff. 3.

For the second Offence, Imprisonment, not exceeding Six Months; unless money paid, not exceeding 10 *l.*

For the Third Offence to be sent to the Goal, or *House of Correction*, there to remain untill the next Sessions or Assises, and then to be Indicted, and being thereupon found Guilty, the Court shall enter *Judgement of Transportation* against such Offenders, to some of the forreign Plantations (*Virginia* and *New-England* only excepted) there to remain Seaven Years, and Warrants are to issue to sequester the profits of their *Lands*, or to distrain and sell their *Goods* to defray the Charges of their Transportation; and for want of such charges being paid, the Sheriff may contract with any Master of a Ship, or Merchant, to *Transport* them; and then such Prisoner must be a *Servant* to the Transporter or his Assigns (that is, whoever he will sell *him* or *her* to for five years,) ——— But upon paying down 100 *l.* the Transportation may be discharged. — ff. 5.

If any under such Judgement of Transportation, shall escape, or being Transported, return into any part of *England*, they must suffer *DEATH* as *FELONS* without benefit of Clergy.

Only a *Married Woman* shall not be Transported, unless her Husband be at the same time under the like Judgement; for otherwise she shall be sent to the Common *Goal*, or *House of Correction*, for such time, not exceeding Twelve Months, as the Court shall thing fit; unless her Husband pay down so much Money, not exceeding 40 *l.* as they shall require. — ff. 14.

To refuse to take an *Oath*, when serv'd with process as a witness or Juryman, *&c.* Or being present in Court to refuse to take any *Judicial Oath* legally tendred, incurs the like Penalty of *Transportation* as aforesaid. — ff. 18.

All Persons in Holy Orders, or pretended Holy Orders, who have not declared their *Assent and Consent* to the Common-Prayer-Book, according to the Act for Uniformity; and shall not likewise take and subscribe the following *Oath*, viz. — Stat. 17. Car. 2. Cap. 2.

The Test *excluding Non-Conforming Ministers from Corporations.*

I A. B. Do swear that it is not Lawful upon any pretence whatsoever, to take Arms against the King: And that I do abhor that Traiterous position, of taking Arms by his Authority, against his Person, or against those that are commissionated by him, in pursuance of such Commissions; And that I will not at any time endeavour any alteration of Government either in Church or State.

Together with all such as shall take upon them to *Preach* in any Conventicle or *Meeting* for exercise of Religion contrary to Law, shall not (unless only in passing the Road) come, or be within five Miles of any City, Town Corporate, or Burrough, that sends Burgesses to Parliament, nor within five Miles of any Town or place where they have Officiated, or taken upon them to Preach; upon pain of forfeiting 40 *l.* for every such Offence.

Nor shall any Person so restrained, or who shall not take the said Oath, and frequent Divine Service, Teach any School, or take any *Boarders* or *Tablers*

that are taught by any other, on pain likewise of forfeiting 40*l.* And two Justices upon Oath made of any Offence against this Act, shall commit the Offender for Six Months without *Bail* or Main-prise.

Stat. 22. Car. 2. Cap. 1.

One Justice or chief Magistrate shall on oath of two Witnesses, make a Record of a Conventicle where any five Persons above Sixteen years of Age (besides those of the same Household) shall be Assembled for Exercise of Religion in any other manner then according to the Liturgie and practice of the Church of *England*; which Record shall be a Conviction, and thereupon a fine of 5*s.* shall be Imposed upon every Offender; which must be certified to the next Quarter Sessions: And for the second, and every other Offence, 10*s.* a peice; which in case of Poverty, may be leavyed on any other Persons Goods, present at the same Conventicle.

The Preacher forfeits for the first Offence, 20*l.* And 40*l.* afterwards, which may be leavyed on any of the Hearers.

He or She that suffers a Meeting to be in his or her House, Barn, or Yard, forfeits 20*l.* which may likewise leavyed on the Goods of any present.

Provided that no person pay above 10*l.* (*) for any one Meeting, in regard of the *Poverty* of any other Person or Persons.

Forfeitures incurr'd by *married women*, shall be levied on their *husbands goods*.

(*) *To exceed this, in many Places Juries were directed to find* Peaceable *Religious Meetings to be* Riots, *and then the Court could fine at pleasure.*

Note there is a clause in this Statute which 'tis conceiv'd does fully Assert and Reserve his Majesties *Right* of dispensing with the Execution thereof, and consequently with other like *Coercive Laws* concerning *Matters of Religion*, by vertue of his *Ecclesiastical Supremacy*; in these words ———

Provided that neither this Act, or any thing therein contained, shall extend to Invalidate, or avoid His Majesties Supremacy in Ecclesiastical Affairs; But that His Majesty and His Heirs and Successors may from time to time, and at all times hereafter, exercise and enjoy all Power and Authority in Ecclesiastical Affairs, as fully and as amply as Himself or any of His Predecessors have or might have done the same; any thing in this Act notwithstanding.

Stat. 25 Car. 2. Cap. 2.

All Persons (as well Peers as Commoners) that shall be admitted, Entred Placed or taken into any Office, Civil or Military, or shall receive any Pay, Salary, Fee or Wages, by reason of any Patent or Grant from his Majesty, or that shall have Command or place of Trust, in *England*, *Wales*, *Berwick*, the Isles of *Jersey* or *Guernsey*; or admitted to any Service or Employment in his Majesties Household, shall in the next Term or next Sessions, after such admittance, publickly in open Court take the several Oaths of *Supremacy* and *Allegiance* before-recited; and at the same time produce a Certificate of his having received the Sacrament of the Lords Supper, according to the Usage of the Church of *England*, within three months, in some publick Church, under the hands of the Minister and Church-wardens, and make proof thereof by two Credible Witnesses at least, upon Oath; and likewise shall then make and subscribe this Declaration following:

The general Test for all in Command, Office, *or* Trust.

I A. B. Do declare, that I do believe, that there is not any Transubstantiation in the Sacrament of the Lords Supper, or in the Elements of Bread and Wine, at or after the Consecration thereof, by any person whatsoever.

Every one that shall refuse or neglect to take the said Oaths, or to receive the *Sacrament*, or to make the said *Declaration*, and yet shall afterwards execute any of the said Offices or Imployments, shall from thenceforth bee disabled, First, To sue or use any Action, Bill, Plaint or Information in Courts of *Law*, or to prosecute any Suit in any Court of *Equity*. Secondly, To be *Guardian* of any Child, or *Executer* or *Administrator* of any person. Thirdly, Or to be capable of any *Legacy* or *Deed* of *Gift*. Fourthly, To bear any *Office*. Fifthly, Shall moreover Forfeit 500 l.

§. 8.

If any not bred up from their Infancy in the *Popish Religion*, and professing themselves to be *Popish Recusants*, shall breed up, instruct, or suffer his Children to be Instructed and Educated in the *Popish Religion*; such Parents shall thenceforth be disabled to bear any *Office* or Place of Trust or Profit in Church or State; And all such Children so educated are also utterly

utterly disabled of bearing any such *Office* or *Place*, till reconciled to the Church of *England*, they take the Oaths of *Supremacy* and *Allegiance*, and the *Sacrament* according to Law, obtaining a Certificate from two Justices thereof; And likewise shall make and sign the said Declaration or *Test*.

For preventing the Increase and danger of *Popery*, and for the *Safety of his Majesties Royal Person and Government*, It is Enacted, That none that is or shall be a *Peer* of the Realm, or Member of the House of Peers, shall vote, or make his Proxy in the House of Peers, or *Sit* there during any Debate; Nor any that is or shall be a Member of the *House of Commons*, shall *vote* or sit (during any debate) in that House, after their Speaker is chosen, until they respectively at the Table, in a full House, have taken the Oaths of *Supremacy* and *Allegiance*, and made, Subscribed, and audibly *repeated*, this Declaration following. Stat. 30. Car. 2. §. 2. Cap. 1.

The Parliamentary TEST.

I A. B. do solemnly in the presence of God, Profess, Testify and Declare, That I do Believe that in the Sacrament of the Lords Supper, there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of Christ, at or after the Consecration thereof by any Person whatsoever. And that the Invocation or Adoration of the Virgin Mary, or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of Rome, are Superstitious and Idolatrous. And I do solemnly in the Presence of God, profess, testify and declare, That I do make this Declaration, and every part thereof, in the plain and ordinary sense of the words read unto me, as they are commonly understood by English Protestants, without any Evasion, Equivocation, or Mental Reservation whatsoever; and without any Dispensation already granted me for this purpose by the Pope, or any other Authority or Person whatsoever, or without any hope of any such Dispensation from any Person or Authority whatsoever; Or without thinking that I am, or can be Acquitted before God or man, or absolved of this Declaration, or any part thereof, altho the Pope, or any other person or persons, or Power whatsoever, should dispense with, or Annull the same, or declare that it was Null and Void from the Beginning.

§. 5.

Every Peer of this Realm, and Member of the House of Peers, and every Peer of *Scotland* or *Ireland* (of 21 years of Age or upwards) and every Member of the House of Commons that shall not have taken the said Oath and Test, and every Recusant Convict, who shall come into the King or Queens Presence, or where they reside, shall 1. Be adjudged a Popish Recusant Convict, to all intents, and forfeit and suffer as such; And 2. Shall be Disabled to hold or Execute any Office or Place of Profit or Trust, Civil or Military; Or 3ly. To Sit or Vote in either House of Parliament, and their Places in the *Commons House* to be supplyed by Writs to be Issued by Warrants from the Speaker for new Elections. 4ly. Are disabled to maintain any Action or Suit at Law, or in Equity; Or 5ly. To be Guardian to any Child, or Executor or Administrator of any Person; or capable of any Legacy, or Deed of Gift; And besides shall forfeit for every Offence against this Act, the Sum of 500 l.

And either House may order or cause all or any of its Members, openly to take the said *Oaths*, and subscribe the said *Declaration*, at such times and in such manner as they think fit.

OBSER-

Obſervations.

THeſe, my *honeſt Country-men* ! are thoſe LAWS, theſe the *ſo much celebrated* TESTS, and theſe the reſpective PENALTIES attendant thereon; Which *the King is* graciouſly pleaſed to *Diſpenſe* with at preſent, and deſirous to have (in a *Legal* manner) Abrogated for *ever*; That it may not at any time hereafter, lie in the Power of an *angry Prieſt*, or a *Peeviſh Juſtice*, or a *malicious Neighbour*, or a *beggarly Informer*, to Jail your *Perſons*, or Ravage your *Goods*, meerly for not *thinking as they would have you*; or for not playing the *Hypocrites*, both to God and the World, by enforc'd Compliances, that you have always avow'd your *Conſciences* could not admit of.

Talia recitaſſe eſt Confutaſſe.

The bare *Repetition* of ſuch Unreaſonable *Acts* ſhould (one would think) be Reaſon enough to perſuade a *Repeal* of them; Eſpecially to *Proteſtant Diſſenters*; who, as they are moſt concern'd, as having ſo much already *Smarted* by them, muſt be Intoxicated beyond the Reclaim of *Hellebore*, If by any *little Arts*, wild *Jealouſies*, incertain *Hopes*, or ill *Surmiſes*; They (in oppoſition to Gods wonderfull *Providence*, their Princes unexpected *Favour*, and all the Obligations both of *Gratitude* and *Intereſt*) ſhall ſuffer themſelves ſo far to be *Inveigled*, as not to Exert their moſt *Strenuous Endeavours* towards flinging away thoſe *Rods* that have but the other day ſo ſeverely *Laſht* them; And which (if continued) they may juſtly apprehend, will hereafter prove *Scorpions* both to themſelves and their Poſterity.

But ſince there are *Eyes* ſo weak as cannot without the Aid of SPECTACLES read the moſt perſpicuous PRESENT *Truths*, much leſs penetrate into *Futurities*, eſpecially when ſo many MISTS are induſtriouſly rais'd by a grand Party of *ſelf-intereſted People* to BECLOU'D and miſlead them; I thought it might not be *unſeaſonable* to add a few NOTES; which, perhapps, may ſomewhat conduce to the better underſtanding of the *whole* matter.

I. It cannot be denied but theſe *coercive Statutes* about RELIGION, are formidable for their very *Bulk*, no leſs than THREE or FOUR and TVVENTY in Number, each conſiſting of variety of *Clauſes* and *Penalties*. Now 'tis a Rul'd Caſe; *In peſſimâ Republicâ plurima Leges*; That an Over-grown *Multitude of Laws is a Symptome of a great Depravation of manners*; That *Body Politick* being but in a *Craſie* Condition, which has need of ſuch *frequent Phyſic*. Nor can *any Church* much recommend it ſelf, by urging the *Need* it has of *ſuch* Supporters.

But, as after ſome *Speculative Wits* had *Diſ-array'd* the Simplicity of the Chriſtian Religion with nice *Diſtinctions*, and ſubtile *Definitions*, and artificial *Syſtems* of their own contrivance, it was ſaid by way of Complaint, or *Satyr*——*Ingenioſa res eſt, Chriſtianum eſſe*, *'Tis a buſineſs of Wit to be a Chriſtian*. So a Man had NOW need be a good *Lawyer* before he can be a good *Subject*; At leaſt, before he can walk *ſafely*, without being caught by ſome of theſe many *Tenter-Hooks* ſtuck up in his way; For whilſt he Innocently intends nothing, but Truly and Heartily to ſerve his *God* and his *King*, he may unawares, by ſome of theſe Statutes, be transform'd into a *Traitor*, or a *Seditious Villain*, and forfeit his *Life* or *Eſtate*, without having done any thing but what every *Honeſt Chriſtian* holds himſelf Obliged unto, on ſuch like occaſions.

II. Not only the *Number*, but the SEVERITY of *theſe Laws*, is very Conſiderable: How often do we meet with New-minted *Treaſons*, and Unaccountable *Felonies* in 'em? Here's *Hanging*, *Drawing* and *Quartering*; Here's *Bride-welling*, *Baniſhing*,

Baniſhing and *Selling* of People to *Slavery*; Here's Forfeiting of *Lands*, *Goods*, *Common Right*, and all the natural Privileges of *Free-born Engliſhmen*; People Convicted in an Arbitrary way, without Trial by their *Peers*; One man puniſht for the Act of another. The Poor diſtreſſed *Widow*, and the helpleſs *Orphan*, not eſcaping their fury. And for what all this? Not for any *Diſloyalty*, Conſpiracy, or Diſturbing the publique Peace: Not for *injuring* any of our Neighbours or Fellow-Subjects: For nothing Criminal by any Law, *Moral* or *Divine*; But only for VVorſhipping our *Almighty Creator*, according to our Light, in the beſt manner we can, after a ſerious Enquiry, apprehend to be acceptable unto Him. Or for not joining in certain *Rituals* and *Ceremonies*, which the *Impoſers* themſelves confeſs to be *Indifferent*, and the *Diſſenters* conceive to be either *Sinful* or *Unwarrantable*. In a word, VVe muſt (if we would have theſe Laws *continued*) be Deſtroy'd or Ruin'd in *This* World, meerly becauſe we are not willing to be *Damn'd* in the *Next*. Is it not therefore matter of Admiration, That *Engliſhmen*, to whom *good Nature* has been eſteemed ſo *peculiar*, that ſome have obſerved no other People have a proper word of their *own*, whereby to expreſs it; That *Chriſtians*, whoſe Badge is *Love*; and eſpecially that *Proteſtants*, who profeſs the moſt *Moderate* Principles, and have always complain'd of *Perſecution* as one of the marks of *Antichriſt*, ſhould yet advance ſuch an Heap of *Sanguinary* Ruinating Laws? Or if various Provocations, Exigencies and Reaſons of State, might excuſe the making of them at firſt; yet who can without *Aſtoniſhment* think, That there ſhould any *ſober Men* be found amongſt us to ſtickle for their *Continuance*, at a Juncture when *God* and the *King*, The Publique Intereſt of the Nation, and that of every particular *Party* therein (rightly underſtood) All join *Suffrages* for their *Repeal*?

III. VVhat's THE END of theſe numerous harſh *Laws* touching Religion? That which they *pretend* to, is the *Safety of the King*, the Public *Peace*, and *Uniformity*; But the real *Intent* was, to make a *Part* of the People, that call themſelves the *Church of England*, Lords of the *Whole*; who thereby ſecure to themſelves, firſt all the good *Livings*; and next would afford *no Living* at all to any that differ from them; *Inter-twiſting* their *own* Intereſt with that of the *Crown*; Tho it be but like *Ivy*, which clings about the *Oak* only to ſupport *its ſelf*, and at the ſame time ſucks away the SAP from the *Tree*, and makes it Languiſh by *Embraces*. Thus, *No Biſhop, no King*, was ſtrain'd much further than the Original Intent of that *Apophthegme*: VVhoſoever would not comply with *their Dictates* was a *Rebel*: In their *Oaths* and *Teſts*, they would be ſure to *hedge* in ſomething or other for their own Intereſt.——*You ſhall not endeavour any Alteration in CHURCH or State.*——You muſt take ſuch a *Teſt* [That ſhuts out the PAPIST] But you muſt *alſo* (if you will have any Employment) bring a Certificate of your Receiving the SACRAMENT with *the Church of England*, [This debars the honeſt *Conſcientious* Proteſtant DISSENTER] So the *Church-man* engroſſes *all*: And can we blame him for being kind to himſelf? Or expect he ſhould not repreſent, under *ill Characters*, whatſoever tends to deprive himſelf of ſuch Advantages?

IV. But 'tis not ſo much the *Number*, the *Rigor*, nor the ill *End* of *theſe Laws*, that urges their *Repeal*, as their intrinſick *Injuſtice*, and Repugnancy to the Law *Divine*, and Natural *Equity*. For,

1. Since the *Word of God* is acknowledged to be the ſole *Rule of Faith*, and no Humane Authority ſo highly Empower'd, as to bind up our Aſſents to whatſoever Interpretation it ſhall pleaſe to propoſe; It clearly follows, That as all the *Children of God*, have equal Intereſt in the *Teſtament* of their *Father*, ſo *no one* amongſt them has any right to Impoſe a *Force* upon the Judgment of his *Brother*.

2. If we reflect upon the *Difficulties* we muſt encounter in the way to *Truth*, and withal conſider the ſhortneſs of our *ſight* (for here we *ſee but in part*; *Veluti per Speculum in Ænigmate, as in a Glaſs darkly,*) there will be found more reaſon to endeavour the mutual *Aſſiſtance* and *Support*, than the malicious *Ruine* and *Deſtruction* of one another. However, ſince all have neither equal depth of Natural *Judgment*, nor the ſame meaſure of Supernatural *Illumination* (For, *the Spirit bloweth where and how it liſteth*) we ought not to attempt ſo high a Preſumption, as to De-

ſpiſe or *Perſecute* our Brother for his innocent and blameleſs *Miſtakes*, leſt we be found *to fight againſt God*, who is the free Diſpoſer of his Gifts. VVe know, *the way of Man is not in himſelf*, Jer. x. 23. *But his ſteps are Ruled by the Lord*, Prov. xx. 24. Therefore did we bear a due reſpect to our *Maker*, we ſhould be content to await his good Pleaſure, who has engag'd himſelf by his Apoſtle, *Philip.* iii. 15. *If any Man be otherwiſe minded, God ſhall in time Reveal even this unto him.* Let us Therefore entertain ſuch *an one*, who proceeds in the Simplicity of his Heart, with *Milk*, till he become able to digeſt *ſtrong Meat*.

3. Force is *Puniſhment*, and conſequently not *Juſt*, unleſs the Offence be *voluntary*; but he that believes according to the Evidence of his own reaſon, is *neceſſitated* to that belief; and to compel him againſt it, were to drive him to Renounce the moſt eſſential part of Man, his *Reaſon*. Why ſhould we be commanded *To try the Spirits*, 1 *John* iv. 1. To *prove all things*, 1 *Theſſ.* v. 21. If there be not a faculty in the Soul to *Judge* for her ſelf? Why are we enjoin'd, *To hold faſt that which we find beſt*, if after our ſerious and deliberate *Election*, we ſhall be whipt out of our Conſcience by *Penalties*? To *Believe* what appears *untrue*, ſeems *impoſſible*; To profeſs what we believe untrue, I am ſure is *damnable*. And as 'tis certain, whoever ſwerves from the dictate of his Conſcience, commits a *grievous Sin*, *Rom.* xiv. So I conceive, They that endeavour by Force, or the Artifice of *Penal Laws*, *Teſts*, *&c.* to draw any Man to Profeſs or Act contrary to what his Soul believes, are as Guilty of the ſame Crime. VVhen *you Wound the weak Conſciences of your Brethren, you Sin againſt Chriſt.* 1 *Cor* viii. 12. How dangerouſly then do they expoſe themſelves to the juſt Indignation of God, who by Oaths, Forfeitures, *&c.* both drive others, and fall themſelves on the Brink of Eternal Perdition? How deſperately do they endeavour to extinguiſh *the Light of Nature*, which indiſpenſably Obliges all Men *to deal with others as they would be dealt with themſelves*? A *Light* placed in *Clear* and *Candid Souls*, to Shine and Guide them; but in *Black Ones*, to Condemn and Burn them. Now who would willingly be Jail'd, or Ruin'd, or ſhut out of the Government, meerly for *his Opinion*? And if *he* would not be ſerved ſo, with what Face does he require that *others* ſhould?

4. Theſe Laws are contrary to the Nature and general Tendency of the *Chriſtian Religion*, and oppoſit to many plain Texts. As, 2 *Tim.* ii. 24. *The Servant of the Lord muſt not Strive, but be Gentle unto all men, apt to teach, forbearing, in meekneſs inſtructing thoſe that are contrary minded, if God peradventure will give them Repentance to the Acknowledging of the Truth.* James Iv. 12. *There is one Lawgiver who is able to Save, and to Deſtroy; who art thou that Judgeſt another?* Or, as 'tis to the ſame purport expreſs'd, *Rom.* xiv. 4. *Who art thou that judgeſt another's Servant? To his own Maſter he ſtandeth or falleth; yea, he ſhall be holden up, for God is able to make him Stand—Let every man be fully perſuaded in his own mind. Haſt thou Faith? Have it to thy ſelf before God; happy is he that condemneth not himſelf in that which he allows*: that is, whoſe Conſcience inwardly accuſeth not his outward Profeſſion. So 1 *Cor.* vii. 12. *If any Brother hath a Wife that believeth not, and She be pleaſed to dwell with him, let him not put her away: And the woman that hath an Husband that believeth not, and he be pleaſed to dwell with her, let her not leave him; but if the unbelieving depart, let him depart; A Brother or a Siſter is not in Bondage in ſuch Caſes; but God hath called us to peace; for what knoweſt thou, O Wife! whether thou ſhalt Save thy Husband? And what knoweſt thou, O Man! Whether thou ſhalt Save thy Wife? As God hath diſtributed to every man, ſo let him walk.* What could be more efficaciouſly ſaid to oblige Chriſtians in Charity and Meekneſs, to forbear one another, than ſo expreſs an Injunction of ſo great an Apoſtle to live peaceably even with an Infidel? And again, 2 *Cor.* i. 24. he denies that even the Apoſtles themſelves have Soveraignty over the Conſcience, but only Commiſſions to aſſiſt the Conſcientious—*Not that we have Dominion over your Faith, but are helpers of your Joy*: Therein exactly obſerving the Orders which Chriſt gave to his Apoſtles, *Go and teach*; not force by temporal Penalties, or external Violence; *And if any receive you not, ſhake off the Duſt of your feet*, *Matth.* x. 14. not trample on them as Duſt under your feet. Conſonant to which, our Saviour elſe-where inſtructs his Diſciples, *Math.* xxiii. 9. *Be not called Rabbi,* (that is, Maſters in Spiritual matters) *for one is your Maſter, even Chriſt, and all ye are brethren.* To this belongs the patient forbearing the *Tares*, and letting them grow

grow together with the *Wheat*, till the time of Harveſt. As alſo that admirable Preſident of Mildneſs towards the *Samaritans*, who refuſed to receive even Chriſt himſelf, whereupon the Diſciples *James* and *John* would immediately have commanded Fire from Heaven to conſume them, as in the days of *Elias*: But our merciful Lord rebuked their uncharitable Zeal, with this ſweet and tender Reply,—*You know not what manner of Spirit your are of, the Son of man is not come to deſtroy mens Lives, but to ſave them*; Luke ix. 54.

By theſe and many other evident *Scriptures*, I conceive it ſufficiently appears, that *Perſecution for Conſcience* is an unwarrantable Tyranny over the juſt Priviledges and Liberty of a Chriſtian. Conſequently, that theſe Laws being in themſelves Unrighteous, 'tis the *Duty* as well as *Intereſt* of every Chriſtian-man to endeavour their Repeal. And ſo much the Rather, becauſe many of them are not only Unjuſt, but *Impious* too; profaning the *Holy Sacrament*, by expoſing it to Secular Ends and Deſigns.

V. Theſe Laws are *impracticable*; both in reſpect of the KING, and of his *People*: Our Prince happens to be a *Roman Catholic*, He cannot exerciſe his Religion without ſome *Prieſt* to Officiate, and yet theſe Laws make it *Treaſon* for any ſuch Prieſt to be in *England*. Again, no man muſt ſerve Him in any Capacity, but ſuch as are not only of a *different Religion*, but who muſt alſo firſt publiquely Charge and Declare *Him*, to be Guilty of *Idolatry*; Can Subjects of any Common *Modeſty* expect or deſire ſuch an unmannerly *Teſt* to be continued? On the other ſide, if we regard the People, the Strict Execution of theſe Laws but for *one year*, would certainly Ruin the Nation: Twenty pounds *per* Month, for not coming to Church, is 240 l. *per Annum*, for every Diſſenter to pay, beſides all other Penalties upon Meetings, pretended Riots, Excommunications, *&c.* And if we conſider the Multitudes of ſuch *Diſſenters* of all ſorts, and that they make up the moſt *Trading part* of the Natioo, we may eaſily gueſs at the Conſequences, from ſome Effects, which within the memory of man, we have ſeen in *Briſtol*, *Norwich*, and other places.

VI. Theſe Coercive Statutes in matters of Religion are altogether *Uſeleſs* and Ineffectual to thoſe Ends for which they are pretended, having never yet ſucceeded, but on the contrary, have cauſed an Infinite Damage where-ever attempted. As is confirm'd by all Hiſtory. Moreover the relying thereon as ſo very neceſſary, ſeems to be a Calling Gods wiſdom or power in queſtion, as not foreſeeing *how*, or being *unwilling* or *unable* to ſecure his *Religion* and *Worſhip* without *humane Force*; Which in his *Word*, he is ſo far from *requiring* or *allowing* to any ſuch End, that he expreſly enjoins the Contrary. And aſſures us that the *Wrath of man worketh not the Righteouſneſs of God*. And 'tis to me matter of amazement, that any that would be accounted ſeriouſly Religious, eſpecially that own themſelves *Diſſenters*, ſhould appear men of ſo little Conſcience, as to oppoſe an Eſtabliſhment of *Liberty of Conſcience* for ever, by an Abſolute Removal of all thoſe *Laws*, *Teſts*, *&c.* that Infringe it.

VII. But ſince many that would be thought Enemies to all *Perſecution*, and inclinable to the taking away of the Penal Laws, yet ſeem to ſtruggle zealouſly for the continuance of the TESTS, as the only Bulwark to preſerve us from an Inundation of *Popery*, and conſequently from that very *Perſecution* which we would obviate by this Repeal; I muſt crave leave to re-mind them, That the TESTS are a main part of theſe very *Penal Laws*; For he that meerly for holding, or not renouncing ſuch or ſuch a *Religious Opinion*, ſhall be Debarr'd of thoſe Rights, Priviledges, or Advantages which otherwiſe he might pretend to, and Enjoy, is really as much a Sufferer for Conſcience in *kind*, tho not in *Degree*, as he that is actually put to Death for the ſame. And by parity of Reaſon, *the one* may be juſtified as well as the *other*; For if once the maintaining a Tenet in Religion contrary to the Publique Eſtabliſhment, and yet no way againſt the Moral Law, ſhall be made matter of Offence, or any way *Criminal*, by the *Civil Law*, where ſhall we ſtopp, or by what Rules ſhall we limit the *Penalty*, other than meer will and pleaſure? Since thoſe that fancy themſelves *in the Right*, and have power to

back

back them, will seldome fail to *blacken* those they say are in the *wrong*, with the most Odious Characters and Aggravations.

By insisting on such Methods, we do by our *own Practice*, in effect, approve of the Ground of those Rigors for which we have so loudly blamed *others*: But by an utter Renunciation of the *Persecuting Principle*, in all its Branches, we do in some respect Disarm *Papists*, or others, from making use of the same VVeapons against our selves; At least, we shall suffer both the more honestly and chearfully, when they cannot justly Charge or Upbraid us with having pursued the same ill Measures. Let us not flatter our selves with hopes of *Security* and *Preservation* from Expedients that we cannot with a good Conscience justify: *Fiat Justitia, ruat Mundus*; Let us contribute our share to do *Equal Right* to all our Fellow Subjects, without dreading any supposed ill Consequences that may follow, but having faithfully discharged our own Duty, fiducially trust Divine *Providence* to Govern the World.

For if it be Imposed upon men to worship God after such a manner, or with such *Ceremonies*, or to make such or such *Declarations* of their Opinions, which they pretend at least to scruple in their Consciences, least they should thereby offend God; whether their Consciences be so or not, is only known to His *Omniscience*; If they *dissemble*, He will punish their *Hypocrisy*; If really it be against their Consciences, where there is *no Sin* in the Nonconformity, they neither ought to *do*, nor be *Punisht* for not doing it; The matter being meerly *Spiritual*, the Searcher of Hearts can only determine and judge thereof, and not Man. For to believe so, or not so, is not in the Magistrates power to *Enjoin*, therefore not to *Punish*. VVe are to leave it to God to perform his own works, who is the most skilful Operator, and his ways past finding out; bringing his own Purposes to effect by such means as best pleaseth him, and often above our comprehension. He hath no need of *an Helper*, nor is any Essence capable of Assisting him; The *Preservation* and *Restauration* of the Church, is a work of Divine Power, as well as the *Edification* of it. And those that Impose on Consciences, and would pretend to help God by that irregular way, to save Souls, or preserve themselves, presume too much on their own Conceits, and have too little veneration of his *Word* and *Omnipotency*.

VIII. I will not alledge, That the Imposing of these *TESTS*, deprives many of their just *Rights*, as particularly the *PEERS*, who being born Hereditary Members of the Kings *Great Council*, cannot, I conceive, Forfeit that Title, but by some offence which also Forfeits both their Honour and their Lives. But this I think I may Avow, That the King by the Law of Nature, and the Fundamental Constitution of this Realm, has a Right to command the Service of *all his Subjects*; Nor do I understand how he can by any *Positive Law* be deprived thereof, or they discharged from their *Attendance* and *Duty*, when ever he shall find it necessary or expedient to require it. For I observe by the current Usage of all Times, and constant Opinion of our Judges, That the King has ever been acknowledged to have a Power of Dispensing, by a Clause of *Non-Obstante*, with any Act of Parliament meerly prohibitory of any thing that is not *Malum in se*.

Touching the danger of being over-whelm'd with Popery upon a removal of the *Tests*, I have said something else-where [*See the Animadversions on the late Letter to a Dissenter.*] That his Majesty is content we shall have what just Security, the VVisdom of the Nation shall propose; to allay those Apprehensions, and that 'tis nothing impossible to find out effectual Expedients for that purpose, without imposing any Clogs upon Mens Consciences.

There is an Objection which makes a great Noise with some People, *viz.* That there is no wrong done *Roman Catholicks* by excluding them from all Places and Preferments, especially from all share in the *Legislative* Power, because they have in effect precluded themselves, by owning a Foreign *Head*, to wit, the *Pope*; But this I think to be rather a *Popular* than *Cogent* Argument; For that *Headship* they ascribe to him, I take to be only in matters of Faith, and purely *Spiritual*; For otherwise they acknowledge, That this Realm is a Soveraign *Independent Kingdom*; consequently that the Bishop of *Rome* has no Civil or Temporal

Juris-

Jurisdiction here; Nor do any Foreign *Canons or Decrees* of *Councils* bind here, until received and allowed by common Assent. And accordingly we find in the *darkest times*, many Acts of Parliament made to restrain the Encroachments of *that See*; witness the *Statutes of Provisors, &c.* So that how they should meerly for speculative *mistaken* opinion, deserve to be divested of, or abridged from the Natural Priviledges of free-born Englishmen, I am not able at present to penetrate into. At worst, in the *General Act* for Settlement of *Liberty of Conscience*, sufficient *Provisions* may be made to prevent any ill Consequences thence like to ensue; which I always pre-suppose, and take for granted, (because Frankly offered by *His Majesty*) in all Discourses on this Subject.

IX. As the Test of 25 *Car.* 2. tho it seems Levell'd against Papists, does by that Connexion of having received the Sacrament, as well exclude all other Dissenters from any place of Profit, Honour, or Trust; So in the other of the 30 *Car.* 2. it has been shrewdly urg'd by a late Writer, Whether *all Protestants*, especially those of the *Church of England*, (who grants a *Real Presence* in the Sacrament, only declines to determine *the manner*, and who delights both to call her Ministers, *Priests*; her Communion Table, an *Altar*; and practises *Bowing* towards it, and Enjoyns Receiving *Kneeling*) It may, I say, be a Question, whether *all her Sons* can satisfactorily to their own Consciences, take such a Test as that, wherein they must solemnly in the *Presence of God Testifie and Declare, That they do Believe, That there is* NOT ANY TRANSUBSTANTIATION, *&c.* And that the SACRIFICE OF THE MASS, as now used in the Church of *Rome*, is IDOLATROUS; For a man may be far from Believing Transubstantiation, or thinking the Sacrifice of the Mass warrantable, and yet scruple to swear, That *there is not any such thing* as the one, or that the other is formally *Idolatrous*.

Therefore upon the whole matter, if it shall appear on an impartial Survey, That these *Penal* Laws, are in their own Nature Oppressive and Unjust, contrary to the Law of God, mischievous to the Publique welfare of the Kingdom, Contrived at first only to serve particular Factions and By-Ends; Condemn'd by all sides in their most sober thoughts, that is, whenever they apprehend it may be their own turn to Suffer by them; If they tend to *Profaneness* and the *Scandal* of Christianity, by prostituting the most *Sacred Ordinances*, as Qualifications or *Inlets* to Secular Advantages; If they are not without just Scruples and *Exceptions*, and Impracticable in their Tendency, and Useless in their Effects, and that their due *Ends* may much better be supplyed by Tests and Provisions *purely Civil*; then it cannot misbecome any, but is both the *Interest* and the *Duty* of every honest Englishman to wish and heartily Endeavour their Abolishment. And to advance, in their stead, such a safe and lasting Establishment for the *Freedom of Conscience*, as may transmit the Happiness we at present enjoy, to our Posterity.

I shall now conclude these Remarques with an *Illustrious Instance*, That it is not so strange a thing as some would suggest, for a *Roman Catholique* Prince to be seriously against imposing on Conscience, and constant in maintaining Indulgence towards *Dissenters*. I mean the Emperour *Maximilian* the Second, (a Family as zealously devoted to the Church of *Rome*, I think, as most in the World) of whom a Protestant Historian, *Henricus Gutherletus*, in his Chronology, gives this following Testimony:

Which I shall recite in his own Words:

"*Capit Imperare Anno* 1564. *& Imperavit Annos* 12. *Princeps laudatissimus, Pietatis, Pacis & Æquitatis studiosissimus, in cujus Ore & Pectore frequens fuit hoc Symbolum:* Dominus Providebit; *Propter Religionem tot opinionibus ac Sectis lacerata tam ac distractam ex animo dolebat, Interim ergo* Evangelicos *æquus, idque ob* "HANC RATIONEM, *Quod non solum* INIQUUM *sed etiam* IMPIUM *judicaret* CONSCIENTIIS IMPERARE, *quod hoc nihil*

"*esset aliud quam Cœli arcem invadere. Et sane ipso facto hoc comprobavit. Nam*
"*Passaviensem Pacificationem tutatus est, & Austriaca Nobilitati Augustana Confes-*
"*sionis Doctrinam Anno* 1568. *permisit.*

In English thus.

"He came to the Empire *Anno* 1564. and Reigned 12 years, a Prince deserv-
"ing the highest praise, most studious of Piety, Peace, and Equity, who had of-
"ten not only in his Mouth, but in his Heart that Motto, *God will provide.* He
"was seriously grieved that Religion should be so torn and rent to pieces by such
"variety of Opinions and Sects; yet still was kind and favourable towards the
"Evangelicks [or Protestants] and that for *THIS REASON*, because it
"was in his Judgement not only *UNJUST*, but *IMPIOUS*, to Command
"or Domineer over Mens *CONSCIENCES*, since the same was no less than
"to Invade the *PREROGATIVE OF HEAVEN*; And verily he
"made good his *Words* by his *Deeds*, For he both Defended and kept inviolate
"the Pacification of *Passaw*, And in the Year 1568. permitted the Doctrine of
"the Confession of *Auspurg* to the Gentry of *Austria.*

May his Majesty, as he hath happily begun, proceed, not only to *Imitate*, but exceed both in Length of Days, and lasting Renown, this *Great* and *Good* Emperour; And may all good Subjects readily Comply with his Majesty's Gracious Intentions; That God may delight in us, and say as of old, *Jer.* 34. 15. *Ye have done Right in my sight, in proclaiming LIBERTY every man to his Neighbour.* Quod faxit Deus.

Postscript.

THough *Persecution* has too generally prevail'd in the World, yet there have not been wanting *wise* and *good* Men that have in ancient times given their Suffrages on behalf of *Toleration* and *Indulgence* to those of different Opinions. Of which I shall subjoin an Example or two.

Lactantius, who flourisht about the Year of Our LORD 300. wrote a particular History of the Death of the Primitive *Persecutors*, lately Translated into *English*: And the same Father, in his Treatise Intituled *Divine Institutions*, *L.* 1. *Cap.* 20. has this notable Discourse, "*Longe di-*
"*versa sunt Carnificina & Pietas, Nec potest aut Veritas cum vi, aut Justitia*
"*cum Crudelitate conjungi. O quam honesta Voluntate, &c.* "Piety and
"Butchering of Men, are things very different; Nor can either *Truth*
"be Joined with *Force*, or *Righteousness* with *Cruelty*. O with what an
"honest Intention do many poor People wretchedly mistake! They
"are sensible that there is nothing more excellent amongst Men than
"*RELIGION*, and that the same ought with their utmost endea-
"vours to be Defended; but in the proper Kind of its Defence, they

"are

" are Deceived; For Religion is best Defended not by *Killing*, but *Dy-*
" *ing*; not by *Fierceneſs*, but by *Patience*; not by *Wickedneſs*, but *Faith*;
" For *Thoſe* are the weapons of *bad* Men, but *Theſe* of the *Good*. And if
" you ſhould go about to Defend Religion with *Blood* and *Tortures*, or
" any *Ill Arts*, the ſame will not be *Defended*, but *Defiled* and *Violated*;
" There being nothing ſo *VOLUNTARY* as *RELIGION*; in
" which, if the Mind be Averſe, it preſently ceaſes and becomes no
" Religion at all.

Ammianus tells us of the Emperour *Valentinian*, that he became Renowned by *the Moderation of his Government*, 'in that he did not Interpoſe in the 'Diverſities of Opinions, ſo as to diſturb or puniſh any of his People; 'laying no Injunctions on their Belief; Nor with threatning Edicts, 'make his Subjects bow their Necks to the Worſhip that himſelf Eſpou-'ſed; but left all things in that kind, in the ſame poſture as he found 'them.

I could not the other day, Read without an *Aſteriſm*, that Paſſage of *Zaga Zabo*, a Bishop of *Ethiopia*, and Ambaſſador of *Preſter John*, recorded by *Damianus a Goes*, 'It is (ſays he) a ſad 'thing, that Chriſtian Strangers ſhould be ſo harshly treated 'like Enemies, as I have been here; It would be far more convenient to 'ſupport all Chriſtians, be they *Grecian*, be they *Armenians*, be they *Ethi-'opians*, be they of any one of the ſeven Chriſtian Churches, with Cha-'rity and Love of Chriſt; and to permit them to Live and Converſe a-'mongſt other Chriſtian Brethren, without any Injury, becauſe we be 'all Children of one Baptiſm, and do hold the true Faith; And there is 'no reaſon to Diſpute ſo ſharply touching Ceremonies, but rather that eve-'ry one ſhould obſerve and keep his own, without hating or troubling 'others; And none to be Excluded out of the Commerce of the Church, 'altho being a ſtranger in other Provinces, he keep and obſerve the Cu-'ſtomes of his own Country.-------

De Moribus Æthiopum.

Will not this Diſcourſe from a *Moor*, make us *European Chriſtians* Bluſh? Behold a Man come from the utmoſt parts of the Earth, to teach us that Moderation and Mutual Forbearance, the practice whereof too many of us do not only *Neglect*, but wilfully *Oppoſe*.

THE END.